



# Federal Register

---

9-26-03

Vol. 68 No. 187

Friday

Sept. 26, 2003

Pages 55433-55806



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.access.gpo.gov/nara](http://www.access.gpo.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 5:30 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$699, or \$764 for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 40% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 68 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### What's NEW!

#### **Federal Register** Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

*Online mailing list archives*

*FEDREGTOC-L*

*Join or leave the list*

Then follow the instructions.



# Contents

## Federal Register

Vol. 68, No. 187

Friday, September 26, 2003

### Agency for International Development

#### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 55575

### Agricultural Marketing Service

#### PROPOSED RULES

Watermelon research and promotion plan, 55556

### Agriculture Department

*See* Agricultural Marketing Service

*See* Commodity Credit Corporation

*See* Food and Nutrition Service

*See* Forest Service

*See* Rural Housing Service

### Antitrust Division

#### NOTICES

Antitrust Procedures and Penalty Act (Tunney Act):  
United States v. National Council on Problem Gambling, Inc.

Proposed final judgment; public comments and plaintiff's response, 55654–55656

National cooperative research notifications:

Internet Streaming Media Alliance, Inc., 55656–55657

Open Mobile Alliance, 55657

Spray Drift Task Force, 55657–55658

### Army Department

*See* Engineers Corps

### Arts and Humanities, National Foundation

*See* National Foundation on the Arts and the Humanities

### Blind or Severely Disabled, Committee for Purchase From People Who Are

*See* Committee for Purchase From People Who Are Blind or Severely Disabled

### Centers for Medicare & Medicaid Services

#### RULES

Medicaid:

Outpatient prescription drugs coverage; rebate agreements with manufacturers; price recalculations time limitation and recordkeeping requirements  
Correction, 55527–55528

Medicare and Medicaid:

Paid feeding assistants in long term care facilities; requirements, 55528–55539

#### PROPOSED RULES

Medicare:

Physician fee schedule (2004 CY); payment policies and relative value unit adjustments  
Correction, 55566

#### NOTICES

Medicare:

National coverage determinations; revised process, 55634–55641

Medicare and Medicaid:

National accreditation organizations; approval—  
Community Health Accreditation Program, 55616–55618

Program issuances and coverage decisions; quarterly listing, 55618–55634

### Coast Guard

#### RULES

Outer Continental Shelf activities:

Gulf of Mexico; safety zones, 55443–55445

Ports and waterways safety:

San Francisco Bay, CA—

Security zones, 55445–55448

Waterfront facilities:

Class 1 explosive materials or other dangerous cargoes; handling, 55436–55443

#### PROPOSED RULES

Outer Continental Shelf activities:

Gulf of Mexico; safety zones, 55557–55559

Pollution:

Ballast water discharge standard; preventing introductions and spread of nonindigenous species; environmental protection requirement, 55559–55563

#### NOTICES

Maritime security:

Automatic Identification System; carriage requirements expansion for U.S. waters

Comment request and public meetings, 55643–55645

### Commerce Department

*See* Foreign-Trade Zones Board

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

#### NOTICES

Privacy Act:

Systems of records, 55582–55583

### Committee for Purchase From People Who Are Blind or Severely Disabled

#### NOTICES

Procurement list; additions and deletions, 55581–55582

### Commodity Credit Corporation

#### RULES

Loan and purchase programs:

Crop Disaster Program and Livestock Assistance Program  
Correction, 55433

### Comptroller of the Currency

#### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 55741–55743

### Customs and Border Protection Bureau

#### NOTICES

Agency information collection activities; proposals, submissions, and approvals, 55645–55647

### Defense Department

*See* Engineers Corps

*See* Navy Department

#### NOTICES

Privacy Act:

Systems of records, 55593–55594

**Defense Nuclear Facilities Safety Board****NOTICES**

Meetings; Sunshine Act, 55597–55598

**Education Department****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55598

**Employment Standards Administration****NOTICES**

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 55658

**Energy Department****NOTICES**

Grants and cooperative agreements; availability, etc.:  
Hydrogen, Fuel Cells and Infrastructure Technologies Program, 55598–55599  
National Energy Technology Laboratory—  
U.S. colleges and universities; advance coal research, 55599–55604

**Engineers Corps****NOTICES**

Patent licenses; non-exclusive, exclusive, or partially exclusive:  
Scour sensor assembly, etc., 55594–55597

**Environmental Protection Agency****RULES**

Air quality implementation plans; approval and promulgation; various States:  
Pennsylvania, 55469  
Air quality planning purposes; designation of areas:  
Georgia, 55469–55475  
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:  
Bifenazate, 55494–55503  
Chlorfenapyr, 55519–55527  
Etoxazole, 55485–55493  
Fenhexamid, 55513–55519  
Imazapyr, 55475–55485  
Thiacloprid, 55503–55513

**PROPOSED RULES**

Small Business Liability Relief and Brownfields Revitalization Act; implementation:  
All Appropriate Inquiry Negotiated Rulemaking Committee—  
Meetings, 55563  
Superfund program:  
National oil and hazardous substances contingency plan—  
National priorities list update, 55563–55566

**NOTICES**

Environmental statements; availability, etc.:  
Agency statements—  
Weekly receipts, 55604–55605

**Meetings:**

Association of American Pesticide Control Officials, State FIFRA Issues Research and Evaluation Group, et al., 55605–55606  
FIFRA Scientific Advisory Panel, 55606–55609  
U.S. Government Representative to Commission for Environmental Cooperation—  
National Advisory Committee, 55609  
Pesticide registration, cancellation, etc.:  
Bayer Environmental Science, 55609–55611

Reports and guidance documents; availability, etc.:

Integrated Risk Information System; needs assessment, 55611

Water pollution control:

National Pollutant Discharge Elimination System—  
Alaska; small publicly owned treatment works and other small treatment works treating domestic sewage; general permits, 55611–55612

**Executive Office of the President**

See Trade Representative, Office of United States

**Federal Aviation Administration****RULES**

Airworthiness directives:  
Eurocopter France, 55433–55435  
Class E Airspace, 55435–55436

**NOTICES**

Exemption petitions; summary and disposition, 55710–55711

Meetings:

Government/Industry Aeronautical Charting Forum, 55711

Passenger facility charges; applications, etc.:

Hattiesburg-Laurel Regional Airport, MS, 55712

**Federal Communications Commission****PROPOSED RULES**

Television broadcasting:

Digital television conversion—  
Digital low power television, television translator stations and digital television booster stations and related issues; comment request, 55566–55573

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55612–55614  
Common carrier services:  
In-region interLATA services—  
SBC Communications Inc. et al.; application to provide service in Michigan, 55614–55616

**Federal Deposit Insurance Corporation****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55741–55743

**Federal Highway Administration****NOTICES**

Environmental statements; notice of intent:  
Seattle, King County, WA, 55712–55713

**Federal Motor Carrier Safety Administration****NOTICES**

National Environmental Policy Act; implementation, 55713–55732

**Federal Railroad Administration****NOTICES**

Exemption petitions, etc.:  
Burlington Northern & Santa Fe Railway Co., 55732–55735  
New Jersey Transit Corp., 55735–55736

**Federal Reserve System****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55741–55743

**Federal Transit Administration****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55736–55737  
Environmental statements; availability, etc.:  
World Trade Center, NY; Permanent Port Authority Trans Hudson Terminal, 55737–55739

**Fish and Wildlife Service****RULES**

Migratory bird hunting:  
Seasons, limits, and shooting hours; establishment, etc., 55783–55805

**NOTICES**

Comprehensive conservation plans; availability, etc.:  
Eastern Shore of Virginia and Fisherman Island National Wildlife Refuges, VA, 55650–55651

**Food and Drug Administration****NOTICES**

Meetings:  
Counter terrorism products; effective strategies to assist product development; public workshop, 55641

**Food and Nutrition Service****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55575–55576

**Foreign-Trade Zones Board****NOTICES**

*Applications, hearings, determinations, etc.:*  
Texas  
Maxtor Corp.; data storage products assembly and warehousing facilities, 55583

**Forest Service****NOTICES**

Environmental statements; notice of intent:  
Mississippi National Forests, 55576–55580  
Siskiyou National Forest, OR; correction, 55746

**Health and Human Services Department**

See Centers for Medicare & Medicaid Services  
See Food and Drug Administration

**Homeland Security Department**

See Coast Guard  
See Customs and Border Protection Bureau

**NOTICES**

Privacy Act:  
Systems of records, 55642–55643

**Housing and Urban Development Department****NOTICES**

Grants and cooperative agreements; availability, etc.:  
Facilities to assist homeless—  
Excess and surplus Federal property, 55647–55649

**Interior Department**

See Fish and Wildlife Service  
See Land Management Bureau  
See Minerals Management Service  
See National Park Service

**NOTICES**

Meetings:  
Invasive Species Advisory Committee, 55649

**Internal Revenue Service****RULES**

Procedure and administration:  
Return information disclosure by officers and employees for investigative purposes  
Correction, 55436

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55743–55744

**International Trade Administration****NOTICES**

Antidumping:  
Fresh garlic from—  
China, 55583–55587  
Large newspaper printing presses and components from—  
Germany, 55587–55589  
Refined brown aluminum oxide from—  
China, 55589–55591  
Tariff rate quotas:  
Worsted wool fabrics, 55591–55592

**International Trade Commission****NOTICES**

Import investigations:  
Barium carbonate from—  
China, 55653  
Ceramic station post insulators from—  
Japan, 55653–55654

**Justice Department**

See Antitrust Division

**Labor Department**

See Employment Standards Administration

**Land Management Bureau****NOTICES**

Environmental statements; availability, etc.:  
Snake River Resource Management Plan, WY, 55651–55652  
Recreation management restrictions, etc.:  
Yellowstone County, MT; firearms target shooting emergency closure, 55652–55653

**Legal Services Corporation****RULES**

Aliens; legal assistance restrictions:  
Alien eligibility for representation by LSC programs, 55539–55542

**Maritime Administration****NOTICES**

Coastwise trade laws; administrative waivers:  
STEEL AWEIGH, 55739–55740

**Minerals Management Service****PROPOSED RULES**

Royalty Management:  
Crude oil produced from Federal leases; valuation and reporting provisions, 55556–55557

**National Foundation on the Arts and the Humanities****NOTICES**

Meetings:  
Combined Arts Advisory Panel, 55659

**National Highway Traffic Safety Administration****RULES**

Motor vehicle safety standards:

Glazing materials—

Low-speed vehicles, etc., 55544–55545

Nonconforming vehicles—

Importation eligibility; determinations, 55545–55554

**NOTICES**

Motor vehicle safety standards; exemption petitions, etc.:

Glaval Bus, Inc., 55740

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Gulf king mackerel, 55554–55555

**PROPOSED RULES**

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Dolphin and wahoo, 55573–55574

**NOTICES**

Meetings:

Gulf of Mexico Fishery Management Council, 55592

Pacific Fishery Management Council, 55592–55593

**National Park Service****RULES**

Special regulations:

Glen Canyon National Recreation Area, UT and AZ;

personal watercraft use, 55448–55466

**National Science Foundation****NOTICES**

Meetings:

Materials Research Proposal Review Panel, 55659

**Navy Department****NOTICES**

Inventions, Government-owned; availability for licensing, 55597

**Nuclear Regulatory Commission****NOTICES**

Environmental statements; availability, etc.:

Florida Power Corp., 55662–55663

Meetings:

Reactor Safeguards Advisory Committee, 55663–55665

*Applications, hearings, determinations, etc.:*

Entergy Nuclear Operations, Inc., 55660–55662

**Office of United States Trade Representative**

*See* Trade Representative, Office of United States

**Patent and Trademark Office****RULES**

Trademark cases:

Madrid Protocol Implementation Act; rules of practice—

International applications and registrations; trademark-related filings, 55747–55781

**Postal Service****NOTICES**

Meetings; Sunshine Act, 55665

**Railroad Retirement Board****NOTICES**

Privacy Act:

Computer matching programs, 55665–55666

**Research and Special Programs Administration****RULES**

Hazardous materials:

Hazardous materials transportation—

DOT specification cylinders; maintenance, requalification, repair, and use requirements, 55542–55544

**Rural Housing Service****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55580–55581

Grants and cooperative agreements; availability, etc.:

Rural Community Development Initiative; correction, 55581

**Securities and Exchange Commission****NOTICES**

Meetings; Sunshine Act, 55667

Public Company Accounting Oversight Board:

Auditing and related professional practice standards; proposed rules filed, 55667–55673

Ethics Code; proposed rules filed, 55673–55680

Self-regulatory organizations; proposed rule changes:

International Securities Exchange, Inc., 55680–55686

National Association of Securities Dealers, Inc., 55686–55691

New York Stock Exchange, Inc., 55691–55694

NQLX LLC, 55695–55696

*Applications, hearings, determinations, etc.:*

Time Warner Co., L.P., et al., 55666–55667

**Social Security Administration****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55696–55698

Grants and cooperative agreements; availability, etc.:

Homeless Outreach Projects and Evaluation Program, 55698–55709

**Surface Transportation Board****NOTICES**

Railroad operation, acquisition, construction, etc.:

CSX Transportation, Inc., 55740

Railroad services abandonment:

Union Pacific Railroad Co., 55740–55741

**Trade Representative, Office of United States****NOTICES**

African Growth and Opportunity Act; implementation:

Sub-Saharan African countries; benefits eligibility criteria, 55709–55710

**Transportation Department**

*See* Federal Aviation Administration

*See* Federal Highway Administration

*See* Federal Motor Carrier Safety Administration

*See* Federal Railroad Administration

*See* Federal Transit Administration

*See* Maritime Administration

*See* National Highway Traffic Safety Administration

*See* Research and Special Programs Administration

*See* Surface Transportation Board

**Treasury Department**

*See* Comptroller of the Currency

*See* Internal Revenue Service

**NOTICES**

Foreign securities, U.S. ownership survey; reporting requirements, 55741

**Veterans Affairs Department****RULES**

Adjudication; pensions, compensation, dependency, etc.:  
Veterans Benefits Act of 2002; compensation and pension provisions, 55466–55467

**Grants:**

Homeless Providers Grant and Per Diem Program, 55467–55468

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 55744–55745

---

**Separate Parts In This Issue****Part II**

Commerce Department, Patent and Trademark Office, 55747–55781

**Part III**

Interior Department, Fish and Wildlife Service, 55783–55805

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

---

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**7 CFR**

1412.....	55433
1421.....	55433
1439.....	55433
1480.....	55433

**Proposed Rules:**

1210.....	55556
-----------	-------

**14 CFR**

39.....	55433
71 (2 documents) .....	55435

**26 CFR**

301.....	55436
----------	-------

**30 CFR****Proposed Rules:**

206.....	55556
210.....	55556

**33 CFR**

126.....	55436
147.....	55443
165.....	55445

**Proposed Rules:**

147.....	55557
151.....	55559

**36 CFR**

7.....	55448
--------	-------

**37 CFR**

2.....	55748
7.....	55748

**38 CFR**

3.....	55466
17.....	55467
61.....	55467

**40 CFR**

52.....	55469
81.....	55469
180 (6 documents) .....	55475,
55485, 55494, 55503, 55513,	55519

**Proposed Rules:**

Ch. I.....	55563
300.....	55563

**42 CFR**

447.....	55527
483.....	55528
488.....	55528

**Proposed Rules:**

410.....	55566
414.....	55566

**45 CFR**

1626.....	55539
-----------	-------

**47 CFR****Proposed Rules:**

74.....	55566
---------	-------

**49 CFR**

107.....	55542
180.....	55542
571.....	55544
593.....	55545

**50 CFR**

20.....	55784
622.....	55554

**Proposed Rules:**

622.....	55573
----------	-------